

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mark J. Hall)
Assignee : Hansen Beverage Company)
Reissue of)
Patent No. : 6,044,983)
Issued : April 4, 2000)
For : SHELF STRUCTURE)

REISSUE APPLICATION DECLARATION UNDER 37 C.F.R. § 1.175 AND
POWER OF ATTORNEY BY INVENTORS

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, the undersigned inventor, hereby declare that:

1. My residence, Post Office address and citizenship are stated below next to my name.

2. I believe that I am the original, first and sole inventor of the subject matter described and claimed in U.S. Patent No. 6,044,983 (hereinafter "the '983 patent"), issued April 4, 2000, and of the subject matter disclosed and claimed in the accompanying reissue application and preliminary amendment.

3. I have reviewed and understand the contents of the specification (including the claims) of the accompanying reissue application and preliminary amendment.

4. I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

5. I believe that the '983 patent is partially inoperable because it claims less than I had a right to claim. Specifically, the insufficiency in the claims resides in the failure to present claims directed to a rack comprising a support assembly having a forward portion and a rearward portion and being configured to support a plurality of beverage containers, a first pair of support legs having lower ends connected to the forward portion and a second pair of support legs having lower ends connected to the rearward portion, each of the first and second pairs of support legs having upper ends configured to hang the rack from a shelf disposed above the rack, wherein the first and second pairs of support legs are sized such that the forward portion hangs lower than the rearward portion when the rack is hanging, by the upper ends of the first and second pairs of the support legs, from a horizontal shelf. At least one of the new claims presented in the reissue application is directed to this feature, while the original claims of the '983 patent are not. No original claim has a scope equal to that defined by reissue Claims 20-48.

6. All errors being corrected in the present reissue application and the accompanying preliminary amendment, up to the present time, arose without any deceptive intention on my part.

7. I hereby appoint the registrants of Knobbe, Martens, Olson & Bear, LLP, 620 Newport Center Drive, Sixteenth Floor, Newport Beach, California, 92660, Telephone (949) 760-0404, **Customer No. 20,995**, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and I acknowledge that the appointed individuals do not represent me, and that instead they represent the assignee.

8. I have read and understand the foregoing statements of this Declaration. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of

Reissue of Patent No.: 6,044,983

the United States Code and that such willful, false statements may jeopardize the validity of the application or patent issuing information.

Full name of sole inventor: **Mark J. Hall**

Inventor's signature Mark J. Hall

Date 4/16/01

Residence: ~~55 Matterhorn Terrace, Park City, Utah 84098~~

Citizenship: **United States** 30866 EMERY ROAD, CANYON LAKE. CA

Post Office Address: **Same as above**

4/16/01

Mark J. Hall

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**REISSUE APPLICATION BY THE INVENTOR, OFFER TO SURRENDER
(37 CFR 1.178)**

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

The undersigned applicant of the accompanying application for the reissue of letters patent for the improvement in SHELF STRUCTURE, U.S. Patent No. 6,044,983, issued on April 4, 2000, of which HANSEN BEVERAGE COMPANY is the sole owner by assignment, and on whose behalf and with whose consent this accompanying application is made, hereby offers to surrender said letters patent.

APPLICANT

Dated: _____

4/16/01



Mark J. Hall

6044983

CONSENT OF ASSIGNEE TO REISSUE

The undersigned is empowered to act on behalf of the assignee, HANSEN BEVERAGE COMPANY ("Assignee").

In accordance with 37 CFR 3.73(b), Assignee represents that it is the assignee of the entire right, title and interest in U.S. Patent No. 6,044,983, issued April 4, 2000, by virtue of an assignment from the inventor of said letters patent. The assignment was recorded in the U.S. Patent and Trademark Office at **Reel 010405 - Frame 0784**. A copy of the assignment and a Notice of Recordation of Assignment Document dated February 28, 2000 is attached.

The undersigned has reviewed all the documents in the chain of title of the letters patent identified above, and to the best of the undersigned's knowledge and belief, title is in the Assignee.

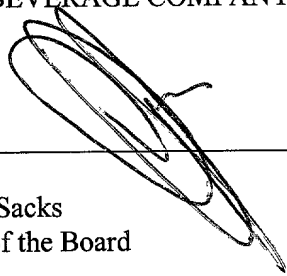
Assignee hereby consents to the accompanying application for reissue of the above-identified letters patent.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or patent issuing therefrom.

HANSEN BEVERAGE COMPANY

Dated:

April 10, 2001



Rodney C. Sacks
Chairman of the Board

Attorney's Docket No. U 011618-6

PATENT

For: ☐ U.S. and/or ☐ Foreign Rights
For: ☐ U.S. Application or
☐ U.S. Provisional Application
For: ☐ U.S. Patent
For: ☐ PCT Application
By: ☐ Inventor(s) or ☐ Present Owner

ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

ASSIGNOR:

(inventor(s) or person(s) or
entity(ies) who own the
invention)

Mark HALL

(type or print name(s) of ASSIGNOR(S))

55 MATTERHORN TERRACE
Address PARK CITY UTAH 84098
U.S.A.

Nationality

(if assignment is by person or entity to whom invention was previously assigned and
this was recorded in PTO, add the following)

Recorded on _____

Reel _____

Frame _____

hereby sells, assigns and transfers to

ASSIGNEE:

HANSEN BEVERAGE COMPANY

(type or print name(s) of ASSIGNEE(S))

2401 East Katella Avenue

Address

Suite 650, Anaheim, California 92806

Nationality

and the successors, assigns and legal representatives of the ASSIGNEE

E I 5.2.7.9.9 1.8.7.2 US

(complete one of the following)

- ☒ the entire right, title and interest
☐ an undivided _____ percent (_____ %) interest
for the United States and its territorial possessions

(check the following box, if foreign rights are also to be assigned)

- ☐ and in all foreign countries, including all rights to claim priority.
in and to any and all improvements which are disclosed in the invention entitled:

SHELF STRUCTURE

Name of inventor(s) Mark HALL

(check and complete (a), (b), (c), (d), (e), (f) or (g))

and which is found in

- (a) ☒ U.S. patent application executed on even date herewith
(b) ☐ U.S. patent application executed on _____
(c) ☐ U.S. provisional application naming the above inventor(s) for the above-entitled invention.

☐ Express mail label no.;

Mailed: _____

- ☐ To comply with 37 CFR 3.21 for recordal of this assignment, I, an ASSIGNOR signing below, hereby authorize and request my attorney to insert below the filing date and application number when they become known.
(d) ☐ U.S. application no. _____ / _____
filed on _____
(e) ☐ International application no. PCT/ _____ / _____
(f) ☐ U.S. patent no. _____ issued _____
☐ A change of address to which correspondence is to be sent regarding patent maintenance fees is being sent separately.

(also check (g), if foreign application(s) is also being assigned)

- (g) ☐ and any legal equivalent thereof in a foreign country, including the right to claim priority

and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, renewal, or substitute thereof, and as to letters patent any reissue or re-examination thereof

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, I/We have hereunto set hand and seal this

26th day of JANUARY 1998 (Date of signing).

WARNING: The date of signing must be the same as the date of execution of the application, if item (a) was checked above.

Date:

Date:

Date:

Date:

Signature of ASSIGNOR(S)

26 JANUARY 1998

(if ASSIGNOR is a legal entity, complete the following information)

(type or print the name of the above person
authorized to sign on behalf of ASSIGNOR)

Title

NOTE: No witnessing, notarization or legalization is necessary. If the assignment is notarized or legalized, then it will only be prima facie evidence of execution. 35 USC 261. Use next page if notarization is desired.

☐ Notarization or Legalization Page Added.